

**Security Council**

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Letter dated 22 November 2006 from the Secretary-General to the President of the Security Council

I have the honour to refer to the letters dated 9 August 2006 addressed to me from Prime Minister Girija Prasad Koirala of Nepal and Pushpa Kamal Dahal (Prachanda), Chairman of the Communist Party of Nepal (Maoist), and to the letter dated 16 November 2006 from K. P. Sharma Oli, Deputy Prime Minister and Minister for Foreign Affairs of Nepal, with regard to the peace process in Nepal and the request for United Nations assistance in that process (see annexes I-III).

I am pleased to report that peace talks between the Seven Party Alliance forming the Government of Nepal and the Communist Party of Nepal (Maoist) led to the successful conclusion of an important agreement on 8 November 2006, which has now been consolidated by a Comprehensive Peace Agreement, signed on 21 November 2006. Earlier this year, following receipt of the identical letters of 9 August 2006 from the Government and the Communist Party of Nepal (Maoist), I appointed Ian Martin as my Personal Representative to undertake consultations with all concerned parties in order to build on the common understanding that had emerged. The agreement of 8 November 2006 represents an important milestone outlining the next steps in the political process leading to free and fair elections for a Constituent Assembly in 2007. In that agreement, the parties have agreed on the basic arrangements for the cantonment of the combatants of the Maoist People's Liberation Army and the storage of the arms and munitions of both sides. The Comprehensive Peace Agreement declares the commitment of the parties to transform the existing ceasefire into permanent peace.

The United Nations has been requested to monitor the arrangements relevant to the management of arms and armed personnel by providing qualified monitors supported by appropriate technical capacity. Assistance is being sought in a variety of areas in the peace process with a view to creating an atmosphere conducive to free and fair elections for the Constituent Assembly. The scope and nature of that assistance, which could extend to additional related areas, are being discussed and elaborated by my Personal Representative in close consultation with the parties. Once those consultations have progressed sufficiently and the United Nations has assessed the logistical support and security requirements for such assistance, I will be able to propose a fully developed concept of operations for the required tasks.

In the meantime, despite the tight timelines set by the parties, it is imperative for the United Nations to be in a position to support the peace process during the current interim phase by predeploying an appropriate presence in the field as soon



as possible, primarily in the areas of management of arms and armed personnel and electoral assistance. To that end, the Secretariat has already invited some Member States to nominate candidates to be potential monitors. In line with the request of the parties, it is currently proposed to ask the monitors to serve in civilian clothes. The parties have expressed the hope that urgent arrangements can be made to facilitate the rapid deployment of United Nations monitors.

With regard to the request for the United Nations to provide electoral assistance, the plan that Mr. Martin is currently discussing with the electoral authorities of Nepal is twofold: to provide technical assistance to the Election Commission and to undertake the coordination of donor support on behalf of the Commission. Given the limited time available to develop a framework and infrastructure for the electoral process, as well as to enhance the Election Commission's capacity to administer a credible Constituent Assembly election, the Secretariat is evaluating modalities for an optimal assistance programme to meet those needs as well as additional options to respond to the request for electoral monitoring.

It is my strong belief that the United Nations should respond positively to the request of Nepal for assistance. Over the past several years, I have been consulting and working closely with all sides in Nepal to encourage a negotiated political solution to the conflict. The present circumstances appear to provide the best opportunity yet for achieving that aim. Therefore, I believe the United Nations should respond immediately and concretely. It should dispatch an advance deployment of essential personnel as proposed below, and it should complete rapidly the necessary technical assessment for the full deployment of a United Nations mission to deliver the assistance requested and develop a complete concept of operations for such a mission.

I therefore intend to proceed with the following steps:

(a) Deployment of a technical assessment mission to determine the full scope of logistical and security requirements and to develop an integrated concept of operations for a United Nations political mission in Nepal that could deliver the support and assistance that would be required to secure a peaceful political transition leading to the election of a Constituent Assembly;

(b) Deployment of an advance group of up to 35 monitors (civilians with a military background and serving military personnel in civilian clothes) to serve as the vanguard for the proposed United Nations monitoring presence for the management of arms and armed personnel;

(c) Deployment of an initial team of up to 25 electoral personnel to begin to provide the required technical advice and support to the Nepalese electoral authorities and the parties.

I would be grateful if you could bring the present letter and its annexes to the attention of the members of the Security Council at your earliest.

(Signed) Kofi A. Annan

Annex I

Letter dated 9 August 2006 from the Prime Minister of Nepal to the Secretary-General

I have the honour to refer to my letter dated 2 July 2006 requesting the co-operation of the United Nations in the ongoing peace process in Nepal. In this context, I am happy to inform you that the United Nations team, which left Kathmandu a week ago, held extensive yet fruitful consultations with all concerned stakeholders of the peace process here in Nepal. The United Nations team, as I understand, is to submit its report to you on Nepal.

In the meantime, I wish to inform you that further to the Eight-Point Understanding between the Seven Party Alliance and the Communist Party of Nepal (Maoist) of 16 June 2006 and the commitment expressed by the Government of Nepal to the Agreement, the Government and the Communist Party of Nepal (Maoist) hereby request the United Nations to provide its assistance as follows with a view to creating a free and fair atmosphere for the election of a Constituent Assembly and the entire peace process:

1. Continue its human rights monitoring through the Office of the United Nations High Commissioner for Human Rights in Nepal;
2. Assist the monitoring of the code of conduct during the ceasefire;
3. On the basis of the agreement to seek United Nations assistance in "the management of arms and armed personnel of both the sides", deploy qualified civilian personnel to monitor and verify the confinement of Communist Party of Nepal (Maoist) combatants and their weapons within designated cantonment areas. Later the modalities for all arrangements, including of arms and munitions, will be worked out among the parties and the United Nations;
4. Monitor the Nepal Army to ensure that it remains in its barracks and its weapons are not used for or against any side. The modalities will be worked out among the parties and the United Nations;
5. Provide election observation for the election of the Constituent Assembly in consultation with the parties.

(Signed) Girija Prasad Koirala

Annex II

Letter dated 9 August 2006 from the Chairman of the Communist Party of Nepal (Maoist) to the Secretary-General

I have the honour to refer to my letter dated 24 July 2006 requesting the cooperation of the United Nations in the ongoing peace process in Nepal. In this context, I am happy to inform you that the United Nations team, which left Kathmandu a week ago, held extensive yet fruitful consultations with all concerned stakeholders of the peace process here in Nepal. The United Nations team, as I understand, is to submit its report to you on Nepal.

In the meantime, I wish to inform you that further to the Eight-Point Understanding between the Seven Party Alliance and the Communist Party of Nepal (Maoist) of 16 June 2006 and the commitment expressed by the Government of Nepal to the Agreement, the Government and the Communist Party of Nepal (Maoist) hereby request the United Nations to provide its assistance as follows with a view to creating a free and fair atmosphere for the election of a Constituent Assembly and the entire peace process:

1. Continue its human rights monitoring through the Office of the United Nations High Commissioner for Human Rights in Nepal;
2. Assist the monitoring of the code of conduct during the ceasefire;
3. On the basis of the agreement to seek United Nations assistance in "the management of arms and armed personnel of both the sides", deploy qualified civilian personnel to monitor and verify the confinement of Communist Party of Nepal (Maoist) combatants and their weapons within designated cantonment areas. Later the modalities for all arrangements, including of arms and munitions, will be worked out among the parties and the United Nations;
4. Monitor the Nepal Army to ensure that it remains in its barracks and its weapons are not used for or against any side. The modalities will be worked out among the parties and the United Nations;
5. Provide election observation for the election of the Constituent Assembly in consultation with the parties.

(Signed) Prachanda
Chairman, Central Committee CPN (Maoist)

Annex III

Letter dated 16 November 2006 from the Deputy Prime Minister and Minister for Foreign Affairs of Nepal to the Secretary-General

I have the honour to refer to the identical letters of 9 August 2006 addressed to you by the Prime Minister of Nepal and the Chairman of the Communist Party of Nepal (Maoist) requesting the United Nations to assist in the following areas with a view to creating a free and fair atmosphere for the election of the Constituent Assembly:

1. Continue its human rights monitoring through the Office of the United Nations High Commissioner for Human Rights in Nepal;
2. Assist the monitoring of the code of conduct during the ceasefire;
3. On the basis of the agreement to seek United Nations assistance in "the management of arms and armed personnel of both the sides", deploy qualified civilian personnel to monitor and verify the confinement of Communist Party of Nepal (Maoist) combatants and their weapons within designated cantonment areas. Later the modalities for all agreements, including arms and munitions, would be worked out among the parties and the United Nations;
4. Monitor the Nepal Army to ensure that it remains in its barracks and its weapons are not used for or against any side. The modalities will be worked out among the parties and the United Nations;
5. Provide election observation for the election of the Constituent Assembly in consultation with the parties.

The Government of Nepal sincerely appreciates the appointment of your Personal Representative in response to these requests. Since then, the Government of Nepal and the Communist Party of Nepal (Maoist) have been working with your Personal Representative on these issues.

I have further the honour to inform you that in accordance with the agreement reached between the Seven Party Alliance and the Communist Party of Nepal (Maoist) on 8 November 2006, and subsequently endorsed by the Government of Nepal, the assistance of the United Nations is required in the following specific areas in addition to the five points mentioned in the identical letters of 9 August 2006:

1. As per the commitments expressed in the letters sent to the United Nations by the Government of Nepal and the Communist Party of Nepal (Maoist) on 9 August 2006, the Maoist combatants shall be sent to cantonments located in the following districts: Kailali, Surkhet, Rolpa, Palpa, Kabhre, Sindhuli and Ilam. There shall be three smaller camps located in the periphery of each of these main cantonments. The United Nations shall do the necessary verification and monitoring of them;
2. All the arms and ammunition held by the Communist Party of Nepal (Maoist) shall be securely stored in the camps except those needed for providing security to the camps after the Maoist combatants are sent to the cantonments. The arms and ammunition shall be locked with a single padlock and the side concerned shall keep the key to it. For the United Nations to monitor it, a device with a siren as

well as recording facility shall be installed. The United Nations shall make necessary inspections of the stored arms in the presence of the side concerned. The details of technology including cameras for monitoring as per the agreement shall be prepared among the Government of Nepal, the Community Party of Nepal (Maoist) and the United Nations;

3. The Nepal Army shall be confined to the barracks as per the commitments of the letter sent to the United Nations. It will be guaranteed that its arms shall not be used for or against any side. An equal number of arms of the Nepal Army shall be kept in the store under a single-lock system and the key shall be kept by the side concerned. For the United Nations to monitor it, a device with a siren as well as a recording facility shall be installed. The United Nations shall make necessary inspections of the stored arms in the presence of the side concerned. The details of technology, including cameras for monitoring as per the agreement shall be prepared among the Government of Nepal, the Communist Party of Nepal (Maoist) and the United Nations.

4. Monitoring of the election of the Constituent Assembly, to be held by mid-June 2007, shall be done by the United Nations.

I also have the honour to request you to provide the requested assistance as quickly as possible to meet the sequence of events leading up to the election of the Constituent Assembly.

Details of the scope of the activities of the United Nations support, including for the electoral assistance, are being worked out among the Government of Nepal, the Communist Party of Nepal (Maoist) and the United Nations, which will be communicated to you shortly.

As per the agreed time schedules, the verification and monitoring of the cantonments and combatants of the Maoists by the United Nations would begin once they are confined to the camps by 21 November 2006. By that time, the Nepal Army will also be confined to the barracks, keeping the specified number of arms in the store for United Nations monitoring. It is also scheduled that the interim constitution would be promulgated and an interim legislature would be in place by 26 November, which would be followed by the formation of an interim cabinet by 1 December 2006.

On behalf of the Government of Nepal, I take this opportunity to express sincere appreciation for your personal support for the assistance provided by the United Nations through the Secretariat and your Personal Representative to Nepal in this process.

(Signed) K. P. Sharma Oli